

Attorney Docket No.: DC-0155  
Inventors: Brinckerhoff and Rutter  
Serial No.: 09/856,749  
Filing Date: August 12, 2002  
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#### REMARKS

Claims 1-2 are pending in this application. Claim 1-2 have been rejected and canceled. Claims 6 and 7 have been added. No new matter has been added. Applicants are respectfully requesting reconsideration in view of the following remarks.

#### I. Priority

The amendments to the specification filed on February 15, 2005 have been objected to because the incorporation of priority documents by reference is inappropriate. Applicants have made the appropriate amendment to the specification and respectfully request that this rejection be withdrawn.

#### II. New Claims

In view of the rejections of claims 1 and 2, Applicants are canceling claims 1 and 2 and submitting herewith new claims 6 and 7 in an effort to clarify certain aspects of the present invention. Throughout the specification and in particular at the paragraph bridging pages 2-3, the paragraph bridging pages 6-7, page 7 (lines 2-3), and page 9 (lines 29-33) it is taught that the MMP-1 3' Ets transcription factor binding site single nucleotide polymorphism (*i.e.*, 5'-AAGAT-3' to 5'-AAGGAT-3') results in the overexpression of MMP-1 enzyme. As such, new claim 6 is drawn to a method for detecting the overexpression of a MMP-1 by detecting in the MMP-1 promoter sequence comprising SEQ ID NO:6 a 5'-AAGAT-3' to 5'-AAGGAT-3' Ets transcription factor binding site single nucleotide polymorphism. Similarly, claim 7 highlights the use of the MMP-1 3' Ets transcription factor binding site single nucleotide polymorphism for assessing the

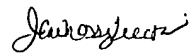
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invasiveness of a tumor cell as taught at the paragraph bridging pages 2-3, the paragraph bridging pages 6-7, page 7 (lines 2-3) and page 10 (lines 10-14).

### III. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Advisory Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,



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